

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	Case No. 23-21287-CMB
ROBERTA J. PERBONISH and	:	
MICHAEL J. PERBONISH,	:	Chapter 13
	:	
Debtors.	:	
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ROBERTA J. PERBONISH and	:	
MICHAEL J. PERBONISH,	:	Related to Doc. Nos. 14 and 20 , 27
	:	
Movants,	:	
	:	
v.	:	
	:	
CAPITAL ONE AUTO FINANCE,	:	
A DIVISION OF CAPITAL ONE, N.A.,	:	
	:	
Respondent.	:	
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**STIPULATION AND CONSENT ORDER RESOLVING CAPITAL ONE  
AUTO FINANCE, A DIVISION OF CAPITAL ONE, N.A.'S OBJECTION  
TO CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN DATED JUNE 26, 2023**

Capital One Auto Finance, a division of Capital One, N.A. ("COAF"), by and through its undersigned counsel, Tucker Arensberg, P.C., and with the consent of the Debtors, Roberta J. Perbonish and Michael J. Perbonish (the "Debtors" and together with COAF, the "Parties"), hereby file this Stipulation and Consent Order Resolving Capital One Auto Finance, a division of Capital One, N.A.'s Objection to Confirmation of Debtors' Chapter 13 Plan dated June 26, 2023, which was filed by COAF on July 24, 2023, at Doc. No. 20, and in support thereof, stipulate as follows:

WHEREAS, on June 14, 2023 (the “**Petition Date**”), the Debtors filed a petition for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C. § 101, *et seq.* (the “**Bankruptcy Code**”);

WHEREAS, prior to the Petition Date, Debtor Michael J. Perbonish purchased a 2017 Ford Escape Utility 4D SE EcoBoost 4WD 1.5L I4 Turbo, V.I.N. 1FMCU9GD4HUC62618 (the “**Vehicle**”) pursuant to a Retail Installment Sale Contract dated November 1, 2019, in the original principal amount of \$17,252.53;

WHEREAS, COAF is the holder of a security interest in the Vehicle, which interest has been perfected through notation on the Vehicle’s Pennsylvania Certificate of Title;

WHEREAS, as of the Petition Date, the total amount of COAF’s claim was \$13,429.82 (the “**Claim**”);

WHEREAS, the Debtors’ chapter 13 plan dated June 26, 2023 (the “**Plan**”) identifies COAF as holding a secured claim of \$13,837.00 to be paid at 5.00% interest (Doc. No. 14);

WHEREAS, COAF filed an Objection to the Plan based upon its treatment of COAF’s Claim (the “**Objection**”) (Doc. No. 20);

WHEREAS, to resolve the Objection, the Parties have agreed to the terms set forth below.

AND NOW, based upon the foregoing, and with the Parties intending to be legally bound, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. COAF shall hold a secured claim in the amount of \$13,429.82 to be paid at an interest rate of 8.25%.

2. Any order of Court confirming the Debtors’ chapter 13 plan dated June 26, 2023, shall incorporate the terms of this Stipulation and Consent Order as it relates to COAF’s Claim.

3. If the Debtors file an amended chapter 13 plan, any subsequent chapter 13 plan shall incorporate the terms of this Stipulation and Consent Order as it relates to COAF's Claim.

4. COAF shall retain its lien on the Vehicle until the Debtors' chapter 13 plan has been fully completed or until COAF has been paid the full amount to which it is entitled under applicable non-bankruptcy law, whichever occurs earlier.

5. Upon payment in accordance with these terms and successful completion of the chapter 13 plan by the Debtors, COAF shall release its lien on the Vehicle.

6. This terms of this Stipulation and Consent Order may not be modified, revised, altered or changed to any extent, without the express written consent of both COAF and the Debtors.

7. This Court shall retain jurisdiction over this matter to enforce the terms of this Stipulation and Consent Order.

FILED  
8/24/23 2:26 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

SO ORDERED:

  
CARLOTA M. BÖHM, JUDGE  
U.S. BANKRUPTCY COURT

CONSENTED TO BY:

/s/ Charles James Grudowski  
Charles James Grudowski, Esq.  
PA ID No. 91231  
GRUDOWSKI LAW, P.C.  
3925 Reed Boulevard, Suite 201  
Murrysville, PA 15668  
Phone: 412-904-1940  
[cjg@grudowskilaw.com](mailto:cjg@grudowskilaw.com)  
*Counsel for Debtors*

Dated: August 18, 2023

/s/ Maribeth Thomas  
Maribeth Thomas, Esq.  
PA ID No. 208376  
TUCKER ARENSBERG, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222  
Phone: 412-594-3949  
[mthomas@tuckerlaw.com](mailto:mthomas@tuckerlaw.com)  
*Counsel for Capital One Auto Finance,  
a division of Capital One, N.A.*

Dated: August 18, 2023

In re:  
Michael J. Perbonish  
Roberta J. Perbonish  
Debtors

Case No. 23-21287-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Aug 24, 2023

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Michael J. Perbonish, Roberta J. Perbonish, 322 Rocktown Road, Tarrs, PA 15688-2129

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 26, 2023

Signature: /s/Gustava Winters

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 24, 2023 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor SN Servicing Corp. bnicholas@kmlawgroup.com
Charles James Grudowski	on behalf of Joint Debtor Roberta J. Perbonish cjg@grudowskilaw.com admin@grudowskilaw.com
Charles James Grudowski	on behalf of Debtor Michael J. Perbonish cjg@grudowskilaw.com admin@grudowskilaw.com
Maribeth Thomas	on behalf of Creditor Ally Bank c/o AIS Portfolio Services, LLC mthomas@tuckerlaw.com, maribeth.thomas@gmail.com
Maribeth Thomas	on behalf of Creditor Capital One Auto Finance a division of Capital One, N.A., c/o AIS Portfolio Services, LLC mthomas@tuckerlaw.com, maribeth.thomas@gmail.com

District/off: 0315-2

User: auto

Page 2 of 2

Date Rcvd: Aug 24, 2023

Form ID: pdf900

Total Noticed: 1

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 7